

From: Steve Scherf
To: Microsoft ATR
Date: 1/24/02 8:42pm
Subject: Microsoft Settlement

I am compelled to comment to you that I feel the proposed Microsoft settlement with the DOJ is insulting and wholly insufficient. It will do nothing to stop the antitrust activities of Microsoft, and amounts to even less than a slap on the wrist.

It is unfortunate that the DOJ does not seem to understand the issues from a technical standpoint. If the DOJ did truly understand the issues, it would be clear that there need to be strong rules instructing Microsoft to publish critical application interface information for would-be competitors.

What does this mean exactly? Microsoft controls everything from the operating system to the web browser to the office applications people use on a daily basis for writing documents, sending and receiving email, and so on. These form the core, the vast majority, of the software used by the computer-using public. Because Microsoft controls these facets of the computer, there is no need for them to disclose the proprietary interfaces used by each piece of software in order to interoperate. In fact, in order for them to maintain this control, they have a great need NOT to disclose these important interfaces to the public.

This effectively forms a roadblock for any would-be competitor who wishes to produce a competing application. Netscape is a prime example. It is incapable of doing many of the things that Microsoft's browser, Internet Explorer, is capable of doing. Netscape lacks the necessary ties with the operating system and its components for it to have the same capabilities as IE. It would be a daunting task, and possibly illegal thanks to the DMCA, for someone to reverse-engineer the interfaces necessary to make a browser with the same capabilities as IE.

I feel that the original solution proposed by Judge Penfield Jackson was a logical, just, fair and correct solution to the problem. I understand that such a solution is now quite unlikely, unfortunately. Short of that, I still feel that Microsoft must be made to disclose all programming interfaces to their software that are necessary for competitors to make products with at least as much functionality as Microsoft's own. Microsoft must be required to make full disclosure of all programming interfaces to the public, free or for a nominal charge to cover the cost of publication. Also, they should be required to publish updated information in a timely fashion whenever said programming interfaces are enhanced or modified in any way.

I would consider this to be the minimum solution to the problem. Other steps should probably be taken as well, such as rules to curtail their predatory practices. However, I consider what I've said here to be the primary action that should be taken in the absence of more sweeping ones.

Regards,

Steve Scherf

steve@gracernote.com

(510) 849-CDDDB

<http://www.gracernote.com>